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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8669

UNITED STATES OF AMERICA, Plaintiff,	) Magistrate Case No.:
v.	) COMPLAINT FOR VIOLATION OF
Alejandro TORIBIO-Gama	) Title 8, U.S.C. ' 1324(a)(1)(A)(ii) Illegal Transportation of Aliens (Felony)
Defendant.	)

The undersigned complainant being duly sworn states:

On or about July 18, 2008, within the Southern District of California, defendant Eduardo Alejandro TORIBIO-Gama, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Jorge Amador MANZO-Govea, Miguel Angel RIVERA, Juan REYES, Alicia REYES-Contreras, Andres Abalino CID-Velasco, Milagros Guadalupe REYES-Plasa, and Ofelia SOLARES-Govea, had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

LUIS SAENZ
Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22ND DAY OF JULY 2008.

PETER C. LEWIS
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Alejandro TORIBIO-Gama

STATEMENT OF FACTS

1This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Luis Saenz.

On July 18, 2008, at approximately 2250 hours, Westmorland, California, Police Officer attempted to make a vehicle stop utilizing their lights and sirens for a traffic violation (the headlights were off) on a 1997 GMC Suburban, California license plate number 6DWB150. The vehicle accelerated and failed to yield. The police officer terminated the pursuit of the vehicle.

At approximately 2305 hours, the police department was notified by a concerned citizen that there was a vehicle accident west of Westmorland. Police officers responded to vehicle accident and solicited the assistance of California Highway Patrol (CHP). CHP officers arrived at the scene of the accident.

CHP officers discovered the vehicle over-turned in a canal with numerous individuals in and around the vehicle. CHP officers determined some of the passengers appeared to be citizens other than the United States and notified agents of the U. S. Border Patrol.

CHP officers advised four people were discovered to be deceased at the scene and four people were transported to a local hospital. Four adults and one juvenile were turned over to the U. S. Border Patrol for further disposition. An undetermined number of people were determined to have left the scene of the accident. CHP officers advised this was witnessed in the number of footprints leaving the scene of the accident.

U. S. Border Patrol contacted Immigration & Customs Enforcement Special Agent Luis Saenz who responded. Agents conducted an investigation.

On July 20, 2008, at approximately 1431 hours, Border Patrol Agents and Agent Saenz conducted a knock-and-talk at Townhouse Inn & Suites in Brawley, California. It was discovered two men exited a taxi and entered the hotel. One of the men appeared to have an injury to his leg, later identified as Alejandro TORIBIO-Gama, as witnessed in the hotel's surveillance video. Agents knocked on the room occupied by TORIBIO and Material Witness Jorge Amador MANZO-Govea. TORIBIO gave consent to agents to enter and search the room.

TORIBIO and MANZO both claimed to be citizens of Mexico without the proper U. S. immigration documents to enter, be in, work, or reside in the United States. Agents noticed the injury on TORIBIO's right foot. TORIBIO and MANZA were taken into custody. TORIBIO was transported to the hospital for medical attention. TORIBIO was treated.

MANZO was advised of his rights per Miranda. MANZO stated he understood his rights and was willing to answer questions without the presence of an attorney. MANZO stated he made his illegal entry without inspection on July 18, 2008, at approximately 2100 hours, with five other illegal aliens. MANZO stated they were picked up by a white Suburban. MANZO stated approximately he and nineteen illegal aliens were in the Suburban. MANZO stated the vehicle departed and encountered police officers. MANZO stated when the police officers attempted to stop the vehicle the driver accelerated. MANZO further stated as they traveled on an unpaved road, the occupants of the vehicle were screaming for the driver of the vehicle to stop. MANZO stated the driver refused and lost control of the vehicle resulting in the accident. MANZO stated he attempted to retrieve other people who were trapped in the vehicle. MANZO stated he departed the scene and later encountered TORIBIO. MANZO stated he then traveled with TORIBIO via taxi to Brawley.

MANZO was shown the photographs of six males and asked to inform SA Saenz if he recognized anyone. MANZO stated he recognized TORIBIO as the person who claimed to be the driver of the vehicle and a smuggler of aliens.

MANZO stated he overheard TORIBIO discussing with an unknown person how he had injured his foot on the gas or brake pedal of the vehicle during the accident. MANZO also stated that TORIBIO claimed to be a trafficker of illegal aliens and he (TORIBIO) would ensure MANZO's transportation to his original destination of Los Angeles, California. MANZO stated he and his aunt were to pay $2,500.00 each to an unknown individual for being brought into the United States and transported to Los Angeles. MANZO's aunt died at the scene of the accident.

Special Agent Saenz advised TORIBIO of his rights per Miranda. TORIBIO stated he understood his rights and was willing to answer questions without the presence of an attorney. TORIBIO stated he made his illegal entry on July 17, 2008. TORIBIO stated he was transported to an unknown location and instructed to hide amongst the brush. TORIBIO stated he was going to Paris, California.

TORIBIO stated he was to pay an unknown smuggler $2,000.00 upon arrival in Los Angeles, California. TORIBIO stated two males known as "pelon" and "watchalo" were to transport him to Los Angeles. TORIBIO stated "watchalo" was the driver of the suburban. TORIBIO described "watchalo" as a twenty-five year old male. TORIBIO stated he was in the group awaiting transport with approximately forty (40) people who were hidden in the brush. A white van and a suburban approached and ½ the group entered the white van and the rest entered the suburban. TORIBIO stated there were men, women and two children in the group. Agent Saenz asked TORIBIO about his participation in the transportation of the aliens. TORIBIO stated he was a passenger and had nothing to do with the operation. Agent Saenz asked TORIBIO if he was the driver of the vehicle. TORIBIO stated no. Agent Saenz asked how he got to the hotel in Brawley from Westmorland. TORIBIO stated he walked to a house and asked assistance. TORIBIO stated a taxi cab was sent to retrieve him and ultimately drove to town where he was dropped off at a hotel. TORIBIO stated an unknown male rented the hotel room for him and told him to go inside. Agent Saenz asked why a smuggler would contract a taxi cab and pay for a hotel room for him and not retrieve any other aliens transported in the group. TORIBIO stated because he expected to pay $2,000.00 upon arrival in Los Angeles.

On July 19, 2008, U. S. Border Patrol Agents encountered Juan REYES-Gonzalez and Miguel Angel RIVERA as passengers in a vehicle near the U.S. Border Patrol Highway 111 Checkpoint. REYES and RIVERA were interviewed and determined to be illegal aliens. During the course of their interview, REYES and RIVERA both admitted to being passengers of the vehicle involved in the accident near Westmorland on July 18, 2008. Records checks revealed REYES and RIVERA had outstanding warrants for their arrest. REYES and RIVERA were transported to the Imperial County Jail.

On July 21, 2008, Border Patrol Agent J. Pestano advised RIVERA and REYES of their rights per Miranda. RIVERA and REYES stated they understood their rights and were willing to answer questions without the presence of an attorney. REYES stated he entered the United States illegally on July 18, 2008. REYES stated he jumped the international fence with four people and walked to an area to be retrieved. Once retrieved REYES they were transported to another area near a canal with a lot of brush. The group was instructed to hide in the brush. While hiding in the brush, REYES observed more vehicles arrive and drop off more people who also hid in the brush. REYES stated they remained all hidden in the brush until another vehicle arrived to retrieve them. REYES stated the driver of the vehicle instructed the men of the hidden group to enter the vehicle and move to the rear while instructing the women to move toward the front of the vehicle. REYES stated he also heard the driver of the vehicle instruct the women of the group to enter the vehicle and move toward the front of the vehicle. REYES stated he recalled seeing two children enter the vehicle.

REYES stated shortly after the vehicle departed the area where they were hidden, they encountered a patrol car which turned on its emergency lights and siren behind them. REYES stated the driver of the Suburban accelerated away from the officer causing a pursuit. REYES stated all of the passengers of the vehicle yelled for the driver to stop the vehicle, but he refused. REYES noticed the patrol vehicle terminated its pursuit of the Suburban. REYES stated all of the passengers again yelled demanded the driver stop the vehicle because the police were no longer chasing them. REYES stated, again the driver ignored their demands. REYES stated the driver then lost control of the vehicle and it went into the canal, filling up with water. REYES stated he and a group of people from the vehicle departed the accident scene traveling afoot to Westmorland.

REYES stated he was to pay $2,000.00 to be transported into the United States.

During the interview of REYES he was shown photographs of twelve male individuals to see if he recognized any of them. REYES stated he did recognize one of the as another male who was also being smuggled into the United States illegally.

On July 21, 2008 Border Patrol Agent J. Pestano interviewed Miguel Angel RIVERA regarding his participation in the July 18, 2008 accident near Westmorland. RIVERA stated he was to pay $2,300.00 to be transported to Los Angeles, CA. RIVERA also claimed to have entered into the United States illegally. RIVERA stated a vehicle retrieved him and the group with which he travelled and transported them to another location near a canal. RIVERA stated the smugglers instructed him and his group to hide amongst the brush and stay hidden until they were retrieved that night. RIVERA stated he noticed several other vehicles drop off other people and could hear them be instructed to hide also. RIVERA stated after darkness settled a Suburban arrived and the smugglers in the vehicle instructed them men to enter the vehicle and move to the rear and the women remain near the front. RIVERA estimated there were more than twenty people in the vehicle. RIVERA stated the vehicle then went to an area where they retrieved another five people. RIVERA stated the vehicle departed the area and encountered a patrol vehicle.

RIVERA stated the patrol vehicle pulled in behind the vehicle in which he traveled and turned on its emergency lights and sirens. RIVERA noticed the driver accelerated away from the patrol vehicle causing a pursuit. RIVERA also heard everyone in the vehicle yell and demand the driver stop the vehicle. RIVERA added he heard a female plead for the driver to stop because there were children present in the vehicle. RIVERA stated the driver ignored the passengers' demands and pleas. RIVERA stated the driver lost control of the vehicle and drove into a canal. After being assisted out of the water by other people present at the accident, RIVERA stated he and others fled the scene.

During the interview of RIVERA he was shown photographs of twelve male individuals to see if he recognized any of them. RIVERA stated he did not recognize any of the men pictured.

Both REYES and RIVERA admitted to being citizens of Mexico without the proper U. S. immigration documents to enter, be in, work, or reside in the United States legally.

Alicia REYES-Contreras, Andres Abalino CID-Velasco, Milagros Guadalupe REYES-Plasa, and Ofelia SOLARES-Govea were discovered deceased at the accident site.

The complaint states that names of the Material Witnesses are as follows:

Name	Place of Birth
Jorge Amador MANZO-Govea	Mexico
Juan REYES-Gonzalez	Mexico
Miguel Angel RIVERA	Mexico
Alicia REYES-Contreras (Deceased)	Mexico
Andres Abalino CID-Velasco (Deceased)	Mexico
Milagros Guadalupe REYES-Plasa (Deceased)	Mexico
Ofelia SOLARES-Govea (Deceased)	Mexico

Further, complainant states that Jorge Amador MANZO-Govea, Miguel Angel RIVERA, and Juan REYES-Gonzalez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.